



Brownfields/Voluntary Cleanup Program - Frequently Asked Questions

Hazardous Waste Program fact sheet

10/2004

I found hazardous substance contamination on my property. Do I have to report it to the state?

Missouri's Spill Bill (RSMo 260.500-552) requires anyone having control over a hazardous substance release to report that release to the state. Missouri Department of Natural Resources maintains a reference database of these releases. Minimum reportable quantities are listed in the federal Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). Although the law pertains more specifically to emergencies such as spills and accidents, DNR recommends reporting of historical releases, whether you enter the Brownfields/Voluntary Cleanup Program (B/VCP) or not. Reporting historical releases is strongly encouraged. The statewide reporting line is (573) 634-2436. There are also federal reporting requirements. The federal reporting line is 1-800-424-8802.

Why should I volunteer to clean up my site now?

The most important reason, aside from ethical considerations, is your continuing environmental liability until the site is cleaned up. Even if the contamination does not seem very serious, lack of a Department certificate of completion for a site with known or suspected contamination may hinder property transactions or invite legal action by neighbors. Contamination in soil now could move to groundwater later, and from there to adjacent properties, making the cleanup more expensive or technically infeasible. The B/VCP gives you much of the control over the time frame, costs and remediation techniques. Costs of remediation generally go up with time.

What kind of properties use the Brownfields/Voluntary Cleanup Program?

Properties in the B/VCP run the full range from small businesses to multi-acre heavy industrial manufacturing facilities (both operating and closed). Many of the sites have enrolled in the B/VCP due to pending property transactions. Other types of sites are cleanup of spills/emergency response and state hazardous waste Registry sites. To minimize environmental liability, the prospective future owner or the lending institution desires a Department certificate of completion prior to finalizing the transaction. Generally, sites that belong in other regulatory programs or are under enforcement actions are not accepted into B/VCP.

Who performs the site investigation and cleanup and who pays for it?

B/VCP participants typically hire their own consultants to perform assessment and remediation work, or they use their own in-house environmental professionals. All assessment and remediation costs are paid by the participant. B/VCP's role is to review and approve site investigation and remedial action work plans and determine whether the actions implemented from these plans have successfully cleaned up the property.

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How much does B/VCP participation cost?

The B/VCP is a fee-for-service program where the participant pays the Department's site-specific oversight costs and overhead. Currently, oversight time is billed at \$65-80 per hour based on personnel salaries times an overhead multiplier. The oversight cost depends on the nature and extent of contamination and other site-specific factors. For sites that have completed the B/VCP process to date, total department oversight costs averaged \$2,500 per site. B/VCP oversight cost is usually a minor portion of the total costs incurred by the participant in site investigation and cleanup.

Is there state money available to help pay for my cleanup?

Perhaps, but not through the Department of Natural Resources. The Department of Economic Development (DED) may be able to assist if the site meets their eligibility requirements for the Brownfields Redevelopment Program or other DED programs. For more information, contact DED's Brownfield Redevelopment Program at (573) 751-0717 or visit their Web site at www.ded.missouri.gov.

How long will it take to get a certificate of completion from the department for my site?

Approximately 75 percent of the properties that have completed the B/VCP process received their No Further Action Letter in less than 12 months from the date of application. More complicated sites take longer, while some sites receive completion letters in as little as three months. The time required for a given site depends on the nature and extent of contamination and the aggressiveness with which the participant wishes to pursue site characterization and remediation. The B/VCP tries to keep turnaround time for report review to a minimum, usually a matter of a few weeks.

What does the Certification of Completion actually say?

The certification of completion or No Further Action Letter states that the site has been cleaned up to department standards and that no further remedial action is required unless additional contamination is discovered. The letter provides a measure of protection from both the Department and the U.S. Environmental Protection Agency (EPA), through a memorandum of agreement, against future environmental liability related to the property. The letter pertains to the property itself and therefore protects both current and future owners of the property.

I already cleaned up my property on my own. Can I still enter the B/VCP and get a certificate of completion?

No. Once remediation has been initiated, the property is generally no longer eligible for the B/VCP. An exception is where cleanup occurred prior to inception of the B/VCP, prior to 1994, or any actions taken in response to emergencies.

What if contamination is found to have migrated off my site onto an adjacent property?

B/VCP can only oversee remediation of and issue completion letters for contamination on property that is entered into the program. However, the B/VCP requires the participant to notify the neighboring affected property owner of off-site impacts, and to provide the department with written verification of the notice. If they so desire, either the off-site property owner or the original participant may enter the affected neighboring property into the program, remediate the off-site contamination and receive a completion letter for the off-site property.

What if contamination is found to have migrated from an adjacent property onto my B/VCP site?

Generally, as long as there is no exposure threat, a B/VCP site owner is not required by the program to clean up contaminated groundwater that has been shown to originate solely from off-site sources. The B/VCP has adopted EPA's Policy *Toward Owners of Property Containing Contaminated Aquifers* on this matter. However, all on-site soil contamination must be cleaned up to approved standards regardless of the source to obtain closure through the B/VCP.

How clean is clean?

Risk-based cleanup levels protective of human health and the environment are determined using the process described in the guidance document *Cleanup Levels for Missouri (CALM)*. The specific cleanup target for a given site will depend on land use, type and extent of contamination, and many other factors. More information on CALM is available in other fact sheets, and a copy of CALM may be obtained by contacting the Environmental Assistance Office or B/VCP Web page at www.dnr.mo.gov/alpd/hwp/hwpvcp.htm.

Several distinct contaminants have been detected on my property. Can I enter B/VCP for oversight on cleaning up some of the contaminants, but not others?

Since the B/VCP certificate of completion pertains to the entire property, all contaminants of concern must be addressed prior to issuance of the certificate. The certificate states that the entire property is clean to state standards. The B/VCP cannot offer a conditional or partial certificate of completion that addresses selected contaminants or affected environmental media but not others.

There is petroleum contamination on my site. Can I clean it up under B/VCP?

Due to changes in the Brownfields/Voluntary Cleanup Program law in 1999, tanks exempted from Missouri Petroleum Storage Tank regulations (for example, heating oil tanks) and other sources (such as pipelines, salvage yards, etc.) may be eligible for the B/VCP.

Contamination from regulated petroleum storage tanks must be investigated and remediated with oversight from Department's Tanks Section and is not eligible for the B/VCP.

Is monitored natural attenuation (MNA) considered a form of remediation under B/VCP?

The B/VCP acknowledges that natural attenuation occurs at least to some extent at most sites in Missouri. The B/VCP does allow the use of MNA under Tier 3 of CALM in some circumstances and with certain restrictions. It is important to note that MNA is not a "do nothing" approach. It often involves a high degree of site characterization, long term monitoring and contingency planning.

For More Information

For more information on Missouri's Brownfields/Voluntary Cleanup Program call or write

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P.O. Box 176, Jefferson City, MO 65102-0176
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www.dnr.mo.gov/alpd/hwp Program Home Page

Related Fact Sheets

- Brownfields/Voluntary Cleanup Program (pub2035)
- Cleanup Levels for Missouri (CALM) (pub2037)